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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/239,671	01/29/1999	WILLIAM DANIEL TOOHEY	99-60484-5	6425

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LOS ANGELES, CA 90067

EXAMINER

ST CYR, DANIEL

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/239,671

**Applicant(s)**

TOOHEY, WILLIAM DANIEL

**Examiner**

Daniel St.Cyr

**Art Unit**

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Receipt is acknowledged of the amendment filed 9/09/03.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stout et al, US Patent No. 4,922,339.

Stout et al disclose means and method for visually surveillance and documentation comprising: a video camera 16/44 for capturing video images of a transaction; an input device 32 for collecting data associated with the transaction; a database management system for organizing the video images and data associated with the transaction into a database 20 (see figure 3; col. 6, lines 12-58).

Re claims 2-3, wherein the transaction data includes time/date data (see col. 6, line 54).

Re claim 6, wherein the images are captured based upon a clock signal (see figure 6 and col. 7, lines 15-62).

Stout et al disclose fails to disclose or fairly suggests wherein the data management system accepts and process queries and present a plurality of views of the database in response to the queries.

Stout et al disclose a common VCR system for play back wherein it is very common in the art for such system to include "Fast Forward", "Rewind", "Pause" "Play", etc., buttons

function to accept queries from users wherein each one of these functions provides a different view of the database.

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to include these well-known functions into the VCR system of Stout et al for providing different views of the database. Such modification would provide more effective means for manipulate/manage the recorded data.

4. Claims 1-10, 21, and 24-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Katz, US Patent No. 5,920,338 in view of Stout et al. The teachings of Stout et al have been discussed above.

Katz discloses an asynchronous video event and transaction data multiplexing technique for surveillance system comprising: a video camera 16 or a plurality of cameras 100, 102, 104, for capturing video images of a transaction; an input device 20 for collecting data associated with the transaction; a database management system 14 for organizing the transaction data; and a recording device for recording the combined video/data signal (see figures 1-2; col. 4, line 36+), the data associated with the transaction includes time data, date data, and monetary data (see col. 8, lines 59-68 and col. 10, line 11), wherein the video images are captured based upon a signal that is produced in response to the input device collecting data (see figure 7; claim 1), the images are captured based upon a clock time signal (see col. 6, lines 18-36); a terminal for allowing an operator to input queries into the database and received the image and data associated with the transaction in response to the queries ( see col. 6, line 60 to col. 7, line 39), the transaction is a toll collection (financial collection) and /or grocery purchasing (retail) (see col. 7, lines 21-26).

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Katz fails to clearly disclose or suggests that a single database is used to store both the video image of the transaction and the transaction data.

See Stout et al above.

In view of Stout et al's teachings, it would have been obvious for a person or ordinary skill in the art at the time the invention was made to employ a single database for storing both the image of the transaction in the transaction data for provide rapid access to both data. Such modification would expedite the verification for each transaction and would facilitate system's auditing. Therefore, it would have been an obvious extension as taught by Katz.

5. Claims 11-20, 22-23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz, as modified by Stout et al, as applied to claim 1 above, and further in view of Odle, US Patent No. 5,491,511. The teachings of Katz as modified by Stout et al have been discussed above.

Katz as modified by Stout et al teach a retail (grocery purchasing facility), but fail to disclose or fairly suggest that video signals are captured based upon a bar code reader reading a bare code label wherein the bar code reader includes an emitter for generating a beam of light and a detector for detecting the beam of light wherein the camera is activated when an item breaks the beam of light and using a portion of the data for indexing the data.

Odle discloses a multimedia capture and an audit system for a video surveillance network comprising: an electronic transaction device 14 (bar code reader) for performing transactions; a camera 12 for taking video image of the transactions; and using portion of the data to index the data in the database (see col. 4, lines 1-18 and col. 9, lines 11-26).

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In view of Odle's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate the well known bar code reader into the system of Katz as modified by Stout et al for facilitating transactions processing and the well known indexing scheme for indexing the stored data. Such modification would provide more reliable data entries during data processing and provide a more effective secured database by preventing unauthorized users from accessing and providing optimal accessing means. Therefore, it would have been obvious extension as taught by Katz as modified by Stout et al.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

### **Additional Remarks:**

In response to the applicant's argument that the claimed management system is more modern than the prior art, the examiner's position is as follows:

- a) both databases allow playback.
- b) both serve for the same purpose.
- c) both allow multiple views of the recorded data.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The applicant's arguments are not persuasive. Refer to the rejection above.

### ***Conclusion***

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

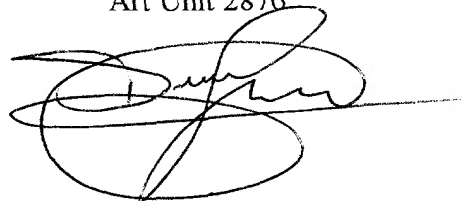
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7721.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr  
Primary Examiner  
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a horizontal line.

DS

12/15/03